

To: Mitchell, Stacey[Mitchell.Stacey@epa.gov]
Cc: Fritz, Matthew[Fritz.Matthew@epa.gov]; Garbow, Avi[Garbow.Avi@epa.gov]; Breen, Barry[Breen.Barry@epa.gov]; Natarajan, Nitin[Natarajan.Nitin@epa.gov]
From: Stanislaus, Mathy
Sent: Tue 8/18/2015 2:26:19 AM
Subject: Re: EPS81302, Gold King Mine Release

Great.

Sent from my iPhone

On Aug 17, 2015, at 6:29 PM, Mitchell, Stacey <Mitchell.Stacey@epa.gov> wrote:

Happy to hold off until we can fully discuss.

Stacey H. Mitchell

Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsylvania Avenue, NW

Washington, D.C. 20460

Main 202.564.8064

Direct 202.564.7614

Sent from my iPhone

On Aug 17, 2015, at 7:18 PM, Stanislaus, Mathy <Stanislaus.Mathy@epa.gov> wrote:

Attorney Client/Ex. 5

Sent from my iPhone

On Aug 17, 2015, at 6:47 PM, Mitchell, Stacey <Mitchell.Stacey@epa.gov> wrote:

Attorney Client/Attorney Work Product Ex. 5

Stacey H. Mitchell

Deputy General Counsel| Office of General Counsel

U.S. Environmental Protection Agency

(202) 564-7614

From: Michaud, John

Sent: Monday, August 17, 2015 6:40 PM

To: Mitchell, Stacey

Subject: FW: EPS81302, Gold King Mine Release

Attorney Client/Attorney Work Product Ex. 5

John R Michaud

Acting Associate General Counsel

Solid Waste and Emergency Response Law Office

202-564-5518

michaud.john@epa.gov

From: Hess, Stephen

Sent: Monday, August 17, 2015 6:34 PM

To: Michaud, John

Subject: FW: EPS81302, Gold King Mine Release

John – FYI. Contact information from the EPA Contracting Officer, including his contact at Environmental Restoration, LLC. Steve.

Stephen Hess

U.S. EPA, Office of General Counsel

1200 Pennsylvania Avenue, N.W.

Washington, D.C.

Mail Code: 2399A

Phone: 202-564-5461

From: Hess, Stephen

Sent: Monday, August 17, 2015 5:19 PM

To: Braun, Richard

Cc: Gleason, Michael

Subject: RE: EPS81302, Gold King Mine Release

Thanks Richard.

Steve.

Stephen Hess

U.S. EPA, Office of General Counsel

1200 Pennsylvania Avenue, N.W.

Washington, D.C.

Mail Code: 2399A

Phone: 202-564-5461

From: Braun, Richard
Sent: Monday, August 17, 2015 5:14 PM
To: Hess, Stephen
Cc: Gleason, Michael
Subject: FW: EPS81302, Gold King Mine Release

Stephen,

Please see trailing email. I will forward the attorney's contact info. when it arrives.

I reviewed the contract and do not see any language that indemnifies the contractor.

Of course, we do require the contractor to maintain insurance and FYI I have enclosed a copy of their insurance certificate.

Richard Braun

EPA Region 8

Contracting Officer

303-312-6380

braun.richard@epa.gov

From: Marilyn Smith [<mailto:m.smith@erllc.com>]
Sent: Monday, August 17, 2015 1:38 PM
To: Braun, Richard
Subject: RE: EPS81302, Gold King Mine Release

Hi Richard:

I have notified ER's VP of Administration, Mark Ruck who will coordinate with ER's attorney.

Thank you,

Marilyn

From: Braun, Richard [<mailto:Braun.Richard@epa.gov>]
Sent: Monday, August 17, 2015 1:39 PM
To: Marilyn Smith <m.smith@erllc.com>
Subject: EPS81302, Gold King Mine Release

Hi Marilyn,

Today I received a call from the EPA attorney who is handling claims against the government related to the release. He mentioned that in situations like this, it's not unusual for claims to be filed against the contract. He was wondering if you had received any claim requests, lawsuits, threats of lawsuits, etc. The attorney's name is Stephen Hess and he would like to open a dialogue with your attorney so that both parties can be informed. Please provide your attorney's contact information. Here is Stephen's info:

Stephen Hess

U.S. EPA, Office of General Counsel

1200 Pennsylvania Avenue, N.W.

Washington, D.C.

Mail Code: 2399A

Phone: 202-564-5461

Hess.stephen@epa.gov

Thank you

Richard Braun

EPA Region 8

Contracting Officer

303-312-6380

braun.richard@epa.gov

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